

EL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

7

Wade Hampton Daniels Jr.,
Plaintiff

v.

City of Philadelphia, Mayor
John Street, City Counsel of
Phila., Police Commissioner,
John Doe, Shift Commander of
35th Police District, John Doe
Officer Edward Fidler, Badge
#4666, Officer Smith, Badge
#4096,

Defendant

No:

04-cv-3998

1983; Civil Rights Action

FILED

II PARTIES

A) PLANTITIFF:

CLERK
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

Full Name: Wade Hampon Daniels Jr.

Prison ID Number: FM-8528

Place of Present Confinement: SCI-Rockview

Address: Box A, Bellefonte, Pennsylvania 16823

Place of confinement at time of incident or conditions
alleged in complaint, including address: Not confined at
time of incident

B) DEFENDANTS:

1. Full name including Title: City of Philadelphia
Place of employment and section or unit: City Hall
Philadelphia, PA

2. Full name including Title: Mayor John Street

Place of employment and section or unit: City
Philadelphia, PA

3. Full name including Title: Police Commissioner "John Doe"

Place of employment and section or unit: City
Philadelphia, PA

4. Full name including Title: Shift Commander District
#35 Philadelphia, PA, "John Doe"

Place of employment and section or unit: #35 District
5916 North Broad St., Philadelphia, PA 19144

5. Full name including Title: Officer Edward Fidler #4666

Place of employment and section or unit: #35 District
5916 North Broad St., Philadelphia, PA 19144

6. Full name including Title: Officer Nicholas Smith

Place of employment and section or unit: #35 District
North Broad St., Philsdelphia, PA 19144

NOTE: "John Does" as defendants will be later identified as
evidence is released by defendants!

III PREVIOUS LAWSUIT

Have you filed Previous Lawsuits in Federal or State Courts
dealing with the same issues in the Complaint: NO other actions
pending or filed

IV ADMINISTRATIVE REMEDIES

A) Describe the administrative procedures available to resolved the issues in this complaint:

Type of Procedures: N/A

Authority for Procedure: N/A

Formal or Informal Procedure: N/A

Who conduct the initial review? N/A

What additional review and Appeals are available? N/A

B) Describe the administrative procedure you followed to resole the issues raised in this complaint before filing the complaint:

On what date did you request initial review? N/A

What action did you ask authorities to take? N/A

What response did you receive to your request? N/A

What further review did you ask and on what dates did you file these requests? N/A

What responses did you receive to your requests for further review? N/A

C) If you did not follow each step of the administrative procedure available to resolve the issues raised in this complaint explain why? _____

V STATEMENT OF CLAIM

On August 27, 2002, Officer Edward Fidler (Badge #4666) and Officer Nicholas Smith (Badge #4096) of 35th District came to a row-house on 1811 West Olney, 2nd Flr., Philadelphia, Pa. Which I the planitiff rented with others to arrest plaintiff

These two (2) officers were let in by one of my roommates. They came in and told me to put my hands up.

Prior to this incident I was on crutches recovering from a previous accident unrelated to this incident. So it took me a little time to try to stand and be stable from sitting in a chair for a period of time. Just as I began to stand, I received my first blow/punch to my right eye. I was knocked unconscious and woke up to numerous kicks in the back, and by the little chain connecting the handcuffs, which how I was picked up and tossed around. There is approximately, thirty-five (35) step in this buildings staircase. I was tossed half-way down this stair case and landed on my back. I was again picked up and dragged down the rest of the steps, carried to the front door and shoved outside. Outside other officers watched this show.

Once outside plaintiff was ordered to lay on his stomach, they (officers) kicked me on my shoulder and upper arms/back. I was bleeding all over, my face was swelled up, my shins were also hurting and injured. Just then two (2) female pedestrians who I recall, begging them (two police officers) to stop and they were going to file a complaint. Since then I have heard that they did file an complaint. (unable to comfirm at present time)

Then, I was escorted to Einstein Hospital by two (2) other officers. I was checked out, treated and released. I was charged and arrest, pictures were taken of my injures by the

police and weeks later by the Defenders Association of Philadelphia, who was assigned to represent me in those charges. (resisting arrest), I was later found not guilty of them.

When we went to Court these two (2) officers also perjured themselves on the stand (record), also could not get their stories straight. All of their testimony is recorded in the record.

The force used by the defendant to arrest plaintiff was excessive, since the plaintiff offered "No Resistance" to the arrest. As a result of these beatings and assaults, plaintiff suffered pain, embarrestment, nerve damage to his right shoulder, medical bills in excess of \$8,000.00 and lost wages. The 35th District has a long history of "POLICE BRUTALITY" and being Corrupt, and so many investigations have proven this in Court. This plaintiff Constitutional Rights to the United States Constitution were violated.

VI RELIEF

- 1) Trial by Jury
- 2) Compensation and Punitive Damages for pain, suffering, medical expenses and lost wages. (Monetary Award)
- 3) Criminal Charges and Appropriate Civil Service Revocation of Officers involved.

VII DECLARATION

I, declare under penalty of perjury that the foregoing is true and correct.

Date: August, 13th, 2004

Wade Hampton Daniels Jr.
Wade Hampton Daniels Jr.
Pro se, Plaintiff